

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:10 CR 87
)	
ADRIAN PARKER)	Motion to Withdraw
)	Guilty Plea

NOW COMES counsel for the defendant, Adrian O'Brien Parker, and moves to withdraw his guilty plea in this matter, and shows the following:

1. On May 18, 2010 the defendant was indicted for participating in a crack conspiracy involving at least 50 grams of cocaine base. (#3)
2. On June 14, 2010 Attorney Richard Lamb, Jr was appointed to represent the defendant. (#74)
3. On October 15, 2010 the government filed an information charging one prior conviction of felony drug offense pursuant to 21 USC §851. (#116)
4. On October 27, 2010 a plea agreement was filed in this matter. (#123) According to paragraph #2 of the agreement "...in exchange for concessions made by the defendant in this plea agreement, the United States agrees not to file additional notice under 18 U.S.C. §851, which if filed, would raise the defendants sentence to mandatory life imprisonment."
5. On October 28, 2010 Magistrate Judge David S. Cayer accepted the plea.(#127)
6. On March 28, 2011 the final presentence investigation report was filed. (#171)
7. On August 30, 2011 the presentence investigation report was revised in response to *United States v. Simmons*. (#211)
8. On September 20, 2011 the defendant appeared before District Judge Max O. Cogburn, Jr. The case was on for sentencing, but the defendant denied giving true and accurate answers at the October 28, 2010 plea proceeding. The defendant said that he was innocent and pleaded guilty because he had been told he would get a mandatory life sentence if he lost at trial. Judge Cogburn continued the matter. (#

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9. On September 21, 2011 the undersigned counsel was appointed to represent the defendant. (# 216)
10. On December 22, 2011 the undersigned counsel moved for a mental health evaluation pursuant to 18 U.S.C. 4241. (# 232)
11. After a hearing on January 5, 2012, the motion was granted. (# 234)
12. On April 23, 2012 the defendant was found competent to proceed.
13. The defendant requests a hearing and an opportunity to present evidence that he should be allowed to withdraw his guilty plea in this matter.

Respectfully submitted, this the the 24th day of April 2012.

S/Haakon Thorsen
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been sent this date via ECF to:

AUSA Steven Kaufman: steve.kaufman@usdoj.gov

And all other attorneys via the ECF filing system.

This the the 24th day of April 2012.

S/Haakon Thorsen
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